

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Mätzler et al.

Application No.: 10/535,694

Filed: May 19, 2005

For: METHOD FOR THE PRODUCTION OF
A SCREW, AND SCREW PRODUCED
ACCORDING TO SAID METHOD

Group: 3677

Examiner: Flemming Saether

Our File: SFS-PT061

(P0372US)

Date: May 27, 2009

**SECOND DECLARATION OF CO-INVENTOR ERNST ROHNER
UNDER 37 C.F.R. §1.132**

1. I, Ernst Rohner, am a co-inventor of the above-referenced patent application.
2. I have worked in the field of metallurgy and in particular cold forming of various metal parts including screws for 28 years. I hold a degree in Mechanical Engineering from Juventus Zurich University.
3. I am familiar with steel alloys and the ASM Handbook referred to in the February 11, 2009 Office Action.
4. First, the ASM Handbook does not show the specific compound formulation of the steel in the claims. The development of the specific compound claimed for use in cold forming was the result of extensive research, trial and error. The properties of the steel varied in an unpredictable manner due to interactions between the individual components when the amounts were changed. Further, the extensive


trial and error was required to find a composition able to provide a fissure free interior engaging member as is claimed.

5. Second, as stated in the ASM Handbook, so-called maraging steels must first be annealed before they can be cold formed (worked). The claimed steel composition used in the claimed invention has been developed so that an annealing step prior to cold forming is not required. The composition is cold formed in its original state and only afterwards is it solution annealed and tempered thereby providing a higher strength.

6. Third, in my experience over the last 28 years in this industry, ultra high-strength steels were formed into screws by machining the interior engaging member in the head. As a result of machining, weak spots develop resulting in potential failure points.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on the information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the likes so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful, false statements may jeopardize the validity of the present application or any patent issued therefrom.

Date: 2. June 2009


Ernst Rohner
SFS
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